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9 UNITED STATES MAGISTRATE COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

14 v. )

15 SHEILA WHITTENBERG, )

16 Defendant. )

No. 3 05 70552 *EMC*

[PROPOSED] ORDER AND  
STIPULATION FOR CONTINUANCE  
FROM MARCH 9, 2006 TO APRIL 20,  
2006 AND EXCLUDING TIME FROM  
THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A)) AND WAIVING TIME  
LIMITS UNDER RULE 5.1

17  
18 With the agreement of the parties, and with the consent of the defendant, the Court enters  
19 this order scheduling an arraignment or preliminary hearing date of April 20, 2006 at 9:30A.M.  
20 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary  
21 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the  
22 Speedy Trial Act, 18 U.S.C. § 3161(b), from March 9, 2006 to April 20, 2006. The parties agree,  
23 and the Court finds and holds, as follows:

24 1. The defendant has been released on her own recognizance.

25 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §  
26 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective  
27 preparation, taking into account the exercise of due diligence.

28 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

2 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not in his client's interest for the United States to indict the  
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt  
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
8 the Court finds that the ends of justice served by excluding the period from March 9, 2006 to  
9 April 20, 2006, outweigh the best interest of the public and the defendant in a speedy trial. §  
10 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
12 hearing date before the duty magistrate judge on April 20, 2006, at 9:30A.M., and (2) orders that  
13 the period from March 9, 2006 to April 20, 2006 be excluded from the time period for  
14 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act  
15 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16  
17 IT IS SO STIPULATED:

18  
19 DATED: March 8, 2006


\_\_\_\_\_/s\_\_\_\_\_  
RON TYLER  
Attorney for Defendant

20  
21  
22 DATED: March 8, 2006

\_\_\_\_\_/s\_\_\_\_\_  
ROBERT DAVID REES  
Assistant United States Attorney

23  
24  
25 IT IS SO ORDERED.

26  
27 DATED: 9 March 06

  
HON. BERNARD ZIMMERMAN  
United States Magistrate Judge